

## AN ACT

To amend chapter 407, RSMo, by adding thereto  
one new section relating to tourist services.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

Section A. Chapter 407, RSMo, is amended by adding thereto  
one new section, to be known as section 407.1410, to read as  
follows:

407.1410. 1. As used in this section, "engaged in the  
business of selling prearranged travel-related or tourist-related  
services" includes but is not limited to, selling or entering  
into contracts or other arrangements under which a purchaser  
receives a premium, coupon, or contract for car rentals, lodging,  
transfers, entertainment, sightseeing, or any service reasonably  
related to air, sea, rail, motor coach, or other medium of  
transportation directly to the consumer.

2. Any corporation, association, cooperative, partnership,  
limited liability partnership, or limited liability company,  
foreign or domestic, engaged in the business of selling  
prearranged travel-related or tourist-related services in this  
state shall keep its registration or certificate of authority to  
do business in this state with the secretary of state current and  
in good standing under the applicable provisions of chapters 347,  
351, 355, 356, 357, 358, and 359, RSMo.

3. Any person or entity engaged in the business of selling prearranged travel-related or tourist-related services in this state which is required to register a fictitious name under chapter 417, RSMo, shall keep the information on file with the secretary of state pursuant to such registration current.

4. Before entering into any contract or agreement to sell prearranged travel-related or tourist-related services, every seller of prearranged travel-related or tourist-related services shall file and maintain with the office of the attorney general a bond with corporate surety from a company authorized to transact business in this state or a letter of credit from a bank insured by the Federal Deposit Insurance Corporation in the amount of fifty thousand dollars, or one hundred thousand dollars before the seller enters into any contract or agreement for services with a group of more than twenty purchasers. Such bond will be renewed annually.

5. At the time of the filing of the bond or letter of credit, every seller of prearranged travel-related or tourist-related services shall, using a form prescribed by the attorney general, furnish the attorney general with the following information:

(1) Name of the company, including business address and phone number;

(2) Name or names of the principals of the business; and

(3) Any other information that the attorney general deems necessary.

6. The bond or letter of credit required by this section shall be in favor of the state of Missouri for the benefit of any private claimant who suffers a loss as a result of a violation of this section.

7. The aggregate liability of the bond or letter of credit to all persons for all breaches of the conditions of the bond or letter of credit shall in no event exceed one hundred thousand dollars. If the amount of claim against the bond or letter of credit exceeds fifty thousand dollars, or one hundred thousand dollars for a claim on a contract for services with a group of more than twenty purchasers, those claims shall be paid pro rata to the claimants. No bond or letter of credit shall be cancelled or terminated except with the consent of the attorney general.

8. The remedies available in subsections 6 and 7 are cumulative and in addition to any other remedies available by law.

9. Any purchaser of prearranged travel-related or tourist-related services may rescind such purchase by giving written notice any time before midnight of the fifteenth business day following the date on which the purchase was made except when such purchase of merchandise or services would be provided within the rescission period. Such cancellation shall be without

liability on the part of the purchaser and shall entitle the purchaser to a refund of the entire consideration paid for the contract.

10. Notice of cancellation shall be in writing and delivered personally or by mail. If given by mail, the notice is effective upon deposit in a mailbox, properly addressed and postage paid. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the purchaser not to be bound by the contract. If delivered personally, the notice is to be accepted by any agent or employee of the seller, and a receipt for the notice must be given by that agent or employee to the person rescinding.

11. The entitled refund shall be delivered to the purchaser within fourteen days after notice of rescission is given.

12. Rights of rescission may not be waived or otherwise surrendered.

13. Rescission shall not relieve the purchaser from paying for any merchandise or services received prior to the date of rescission.

14. Violation of any provision of this section shall be deemed an unlawful practice under sections 407.010 to 407.130, and shall be subject to all penalties, remedies, and procedures provided in sections 407.010 to 407.130. The attorney general

shall have all powers, rights and duties regarding violations of this section as are provided in sections 407.010 to 407.130 and shall have the rulemaking authority as provided in section 407.145. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.